

## **Exhibit D**

**Copy of Claims Rejected under Double Patenting (U.S. Patent 5,694,951)**

Claim 36. A surgical procedure to be conducted on a patient, said surgical procedure comprising the steps of removing tissue from a first location in the patient's body, separating one or more components from at least a portion of the tissue removed from the patient's body, and implanting the tissue at a second location in the patient's body after separating one or more components from at least a portion of the tissue.

Claim 37. A surgical procedure as set forth in claim 36 wherein said step of separating one or more components from the tissue removed from the patient's body includes centrifuging at least a portion of the tissue removed from the patient's body.

Claim 39. A surgical procedure as set forth in claim 36 wherein said step of removing tissue from a first location in a patient's body includes cutting body tissue at the first location and moving the body tissue away from the first location under the influence of suction.

Claim 40. A surgical procedure as set forth in claim 39 wherein said step of cutting body tissue includes rotating a cutting tool under the influence of force transmitted through an elongated member which is at least partially enclosed by a tubular member, said step of moving the body tissue away from the first location under the influence of suction includes moving body tissue cut by the rotating cutting tool along the tubular member under the influence of suction.

Claim 48. A surgical procedure as set forth in claim 36 further including the step of packing tissue removed from the first location in the patient's body to form a body of tissue, said step of implanting the tissue at a second location in the patient's body includes placing the body of packed tissue at the second location in the patient's body.